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Notice of Allowability

Application No.

10/736,865

Examiner

Faye Boosalis

Applicant(s)

DIPOALA, WILLIAM S.

Art Unit

2884

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to submission of 8 August 2006.
2. ☒ The allowed claim(s) is/are 5-14, 18-20, 27 and 39-41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Comment on Submissions

1. This communication is responsive to submissions 8 August 2006.

Allowable Subject Matter

2. Claims 5-14, 39, 18-20, 27 and 40-41 are allowable.
3. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 39, the prior art, does not disclose or fairly suggest a motion detection system or method wherein the second condition is not satisfied only when the first output signal exceeds the first threshold value beginning at a first time and the second output signal exceeds the second threshold value beginning at a second time and the first and second times are separated by no more than a predetermined time delay value.

The examiner notes that while it is known in the art of a motion detector system (1) comprising a first sensor (3) sensitive to light in a first range of wavelengths in at least one detection zone and generating a first output signal representative of the detected level of light in the first range; a second sensor (2) sensitive to light in a second range of wavelengths differing from the first range and generating a second output signal representative of the detected level of light in the second range, and second sensor being positioned proximate the first sensor (see for example *Rechsteiner et al -- US 6,246,321 B1*-- Fig. 1 and col. 3, lines 29-48); and a processor (6), the processor comparing the first output signal to a first threshold value and the second output signal to a second threshold value, the processor programmed to generate an

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alarm signal based upon the first and second output signals, whereby the alarm signal is generated when first and second conditions are satisfied, the first condition being satisfied when the first output signal exceeds the first threshold value, and the second condition being satisfied when the output signal does not exceed the second threshold value (see for example *Rechsteiner et al -- US 6,246,321 B1--* Fig. 1 and col. 4, lines 42-67 and col. 5, lines 1-21), the prior art does not fairly suggest a motion detection system generating an alarm signal when both first and second sensors conditions' of output signals satisfy threshold values and the first and second times of output signals are separated by no more than a predetermine amount of time.

Regarding independent claim 40, the prior art does not disclose or fairly suggest a method of detecting motion, the method comprising: when the second condition is not satisfied only when the first output signal exceeds the first threshold value beginning at a first time and the second output signal exceeds the second threshold value beginning at a second time and the first and second times are separated by no more than a predetermined time delay value.

The examiner notes that while it is known in the art of a method of detecting motion, comprising: detecting motion in at least one detection zone by sensing at a first position, infrared light emitted from the at least one detection zone; sensing visible light proximate the first position; generating a motion detection signal when both a) motion is detected in the at least one detection zone by sensing infrared light emitted from the at least one detection zone and b) the detection of motion is based upon a change in the sensed infrared light that does not correlate to a change in the sensed visible light (see

for example *Rechsteiner et al -- US 6,246,321 B1*-- col. 54-67 and col. 5, lines 1-15), the prior art does not fairly suggest a method if a correlation exists between the first and second signals to determine if the first and second times, of the first and second signals exceeding a first and second threshold value, are separated by no more than a predetermined time delay value.

Regarding independent claim 41, the prior art does not disclose or fairly suggest a dual sensor motion detection system comprising: a first sensor capable of detecting light in both an infrared frequency range and a first visible frequency range and a second sensor capable of detecting light in a second visible frequency range.

The examiner notes that while it is known in the art for a motion detector system (1) comprising a first sensor (3) sensitive to light in a first range of wavelengths in at least one detection zone and generating a first output signal representative of the detected level of light in the first range; a second sensor (2) sensitive to light in a second range of wavelengths differing from the first range and generating a second output signal representative of the detected level of light in the second range, and second sensor being positioned proximate the first sensor (see for example *Rechsteiner et al -- US 6,246,321 B1*-- Fig. 1 and col. 3, lines 29-48); a processor (6) programmed to generate an alarm signal based upon the first and second output signals wherein the alarm signal is generated when first and second conditions are satisfied, the first condition being satisfied when the first output signal indicates motion has occurred in the at least one detection zone and the second condition being satisfied when the second output signal does not correlate to the first output signal (see for example

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Rechsteiner et al -- US 6,246,321 B1-- Abstract and Fig. 1 and col. 4, lines 42-67 and col. 5, lines 1-21) and for a dual sensor motion detection system to comprise a first sensor capable of detecting light in both an infrared frequency range and a visible frequency range, the prior art does not suggest a second sensor also being capable of detecting visible light in a second visible frequency range (see for example *Rechsteiner et al -- US 6,246,321 B1--* See Abstract and Fig. 1 and col. 4, lines 42-67 and col. 5, lines 1-21), the prior art does not suggest the second sensor also being capable of detecting visible light in a second visible frequency range.

The remaining claims 5-14, 18-20 and 27 are allowable based on their dependency.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Boosalis whose telephone number is 571-272-2447. The examiner can normally be reached on Monday thru Friday from 7:30 AM to 4:00 PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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